
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

MINDY KAY MCGILVREY,

Movant,

versus

UNITED STATES OF AMERICA,

Respondent.

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CIVIL ACTION NO. 1:13-CV-70

**MEMORANDUM ORDER ADOPTING THE
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Movant, Mindy Kay McGilvrey, proceeding *pro se*, filed a motion for extension of time to file a motion to vacate, set aside, or correct judgment pursuant to 28 U.S.C. § 2255.¹

The Court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends the motion to vacate, set aside or correct judgment be dismissed as improvidently filed.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, and pleadings. No objections to the Report and Recommendation have been filed by either party to date.

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in this case

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In reviewing the motion, it was determined that movant already has a motion to vacate, set aside, or correct judgment pending in civil action no. 1:12cv441 concerning the same conviction. When filing the present motion for extension of time, movant did not provide the civil action number from her original case. The Clerk of Court, therefore, docketed the motion as a new § 2255 motion.

in accordance with the Magistrate Judge's recommendations.

SIGNED at Beaumont, Texas, this 12th day of April, 2013.

A handwritten signature in cursive script, reading "Marcia A. Crone".

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE